

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

MOHAMMED KHALID and SHAHNOOR
HAMEED, Debtor(s).

CHAPTER 13
CASE NO. 11-55166-TJT
JUDGE THOMAS J. TUCKER

TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E.D. Mich. L.B.R. 3015-3(a) and 11 U.S.C. §1307(c)(5) as follows:

1. As of today, the Trustee has not received a true copy of the debtor's Payment Order, or an Electronic Transfer of Funds Payment Order, in contravention of E.D. Mich. L.B.R. 1007-1(c).

2. Based upon the debtor's **testimony** at the First Meeting of Creditors, the obligation owing to Digital Federal Credit Union is in **arrears**. Direct payment to such creditor is therefore not justified under E.D. Mich. L.B.R. 3070-1.

3. The debtors provide in the Chapter 13 Plan for step payments. The Trustee objects to the debtors' failure to provide a specific date and the reasons for the step payments. The Trustee requests that the debtors provide this information in the Order Confirming Plan.

4. The Plan fails to increase its funding upon the termination of the obligation to Digital Federal Credit Union in contravention of 11 U.S.C. 1325(b)(1)(B) and 11 U.S.C. 1325(a)(3).

5. The debtor's Plan fails to provide that all of the debtor's projected disposable income be utilized to fund the Plan. Specifically, the debtor's Schedule J has overstated the following expense(s) in contravention of 11 U.S.C. 1325(a)(3) and/or 11 U.S.C. 1325(b):

- a. Food - \$1,200.00.
- b. Medical and dental - \$700.00
- c. Charitable contribution - \$925.00. The Trustee requests that the debtors provide proof of this expense for 2010 and 2011 prior to confirmation.
- d. Payment for support of additional dependents not living at home - \$500.00. The debtors testified at the §341 First Meeting of Creditors that they are sending \$500.00 per month to their parents in India. The Trustee objects to this expense as it is not reasonably necessary for the maintenance and support of their dependents. The Trustee requests that the debtors increase best effort by \$500.00 per month and the dividend to unsecured creditors accordingly.
- e. Vehicle maintenance, licensing, bus passes - \$200.00.
- f. Infant daycare - \$700.00.
- g. Three year old day care - \$600.00
- h. Seven year old braces - \$250.00.
- i. Educational expenses to maintain employment - \$150.00.

The Trustee requests that the debtor provide proof of these expenses within fourteen (14) days.

6. Debtors have failed to provide for the residential lease as a part of the Chapter 13 Plan and schedules.

7. The Plan fails to increase its funding upon the termination of the obligation for seven (7) year old braces payment for one (1) year in the amount of \$250.00 in contravention of 11 U.S.C. 1325(b)(1)(B) and 11 U.S.C. 1325(a)(3).

8. The Plan fails to increase its funding upon the termination of the obligation for three (3) year old day care expenses in contravention of 11 U.S.C. 1325(b)(1)(B) and 11 U.S.C. 1325(a)(3).

9. The Plan fails to provide that 100% of profit sharing funds and/or bonuses received by the debtor during the pendency of the Plan be remitted to the Trustee for distribution among creditors in contravention of 11 U.S.C. 1325(b) and In re Freeman, 86 F.3d 478 (6th Cir., 1996).

WHEREFORE, the Chapter 13 Trustee prays this Honorable Court deny confirmation of the debtor's Chapter 13 Plan and dismiss this case pursuant to 11 U.S.C. §1307(c)(5).

July 25, 2011

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT

Tammy L. Terry, Chapter 13 Trustee

/s/ Tammy L. Terry

/s/TAMMY L. TERRY (P-46254)

Chapter 13 Standing Trustee

/s/ KIMBERLY SHORTER - SIEBERT (P-49608)

/s/ MARILYN R. SOMERS-KANTZER (P-52488)

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CERTIFICATE OF MAILING

I hereby certify that a copy of **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** was electronically filed with the Clerk of Court, served electronically to the debtor's attorney and a copy of same deposited in the U. S. Mail to the debtor (s) at the address as it appears below.

July 25, 2011

/s/ Cynthia M. Gates

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